

REFERENCE TITLE: **presidential preference election; independent voters**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
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HB 2579

Introduced by
Representatives Fleming, Ableser, Chabin, Farley, Heinz, Meza: Campbell
CL, Deschene, Garcia M, McGuire, Patterson, Waters, Young Wright

AN ACT

**AMENDING SECTIONS 16-241, 16-244 AND 16-246, ARIZONA REVISED STATUTES;
RELATING TO THE PRESIDENTIAL PREFERENCE ELECTION.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-241, Arizona Revised Statutes, is amended to
3 read:

4 16-241. Presidential preference election: conduct of election

5 A. A presidential preference election shall be held on the fourth
6 Tuesday in February of each year in which the president of the United States
7 is elected to give qualified electors the opportunity to express their
8 preference for ~~the~~ A presidential candidate ~~of the political party indicated~~
9 ~~as their preference by the record of their registration AS PRESCRIBED IN THIS~~
10 ~~ARTICLE.~~ No other election may appear on the same ballot as the presidential
11 preference election.

12 B. Notwithstanding subsection A of this section, the governor may
13 issue a proclamation that the presidential preference election is to be held
14 on a date earlier than the fourth Tuesday in February. The proclamation
15 shall be issued no later than one hundred fifty days before the date of the
16 election as set forth in the proclamation. The governor shall transmit a
17 copy of the election proclamation to the ~~clerk~~ CLERKS of the county boards of
18 supervisors.

19 C. Except as otherwise provided in this article, the presidential
20 preference election shall be conducted and canvassed in the same manner as
21 prescribed in this title for the primary election held pursuant to section
22 16-201. All provisions of other laws that govern elections and that are not
23 in conflict with this article apply to a presidential preference election,
24 including laws relating to registration and qualifications of electors.

25 D. Unless otherwise specifically prescribed by this article, the
26 powers and duties conferred by law on boards of supervisors, officers in
27 charge of elections, county recorders, precinct boards and central counting
28 boards in connection with a primary election are conferred on those persons
29 for purposes of a presidential preference election and shall be exercised by
30 them for a presidential preference election.

31 E. Every act that is an offense pursuant to the election laws of this
32 state is an offense for purposes of a presidential preference election, and a
33 person is subject to the penalties prescribed by those laws.

34 F. FOR VOTING AT A POLLING PLACE, EACH PARTY BALLOT SHALL BE
35 DESIGNATED BY THE NAME OF THE PARTY. FOR AN ELECTOR WHO IS REGISTERED AS A
36 MEMBER OF A POLITICAL PARTY THAT IS ELIGIBLE FOR REPRESENTATION ON THE
37 BALLOT, THE JUDGE OF ELECTION SHALL GIVE THE ELECTOR ONE BALLOT ONLY OF THE
38 PARTY WITH WHICH THE ELECTOR IS AFFILIATED AS IT APPEARS IN THE PRECINCT
39 REGISTER. FOR AN ELECTOR WHO IS REGISTERED AS INDEPENDENT, AS NO PARTY
40 PREFERENCE OR AS A MEMBER OF A POLITICAL PARTY THAT IS NOT ELIGIBLE FOR
41 REPRESENTATION ON THE BALLOT, THE ELECTOR SHALL DESIGNATE THE BALLOT OF ONLY
42 ONE OF THE POLITICAL PARTIES THAT IS ELIGIBLE FOR REPRESENTATION ON THE
43 BALLOT AS PRESCRIBED BY SECTION 16-244 AND THAT HAS NOT PROHIBITED VOTING BY
44 VOTERS WHO ARE NOT MEMBERS OF THAT POLITICAL PARTY, AND THE JUDGE OF ELECTION
45 SHALL GIVE THE ELECTOR ONLY THAT POLITICAL PARTY'S BALLOT.

1 Sec. 2. Section 16-244, Arizona Revised Statutes, is amended to read:

2 **16-244. Representation on ballot: notice of eligibility**

3 A. To be eligible to participate in the presidential preference
4 election, a political party shall be either of the following:

5 1. A political party that is entitled to continued representation on
6 the state ballot pursuant to section 16-804.

7 2. A new political party that has become eligible for recognition and
8 that will be represented by an official party ballot pursuant to section
9 16-801. A petition for recognition of a new political party shall be filed
10 with the secretary of state not less than seventy-five nor more than one
11 hundred five days prior to the presidential preference election. A petition
12 for recognition shall be submitted for signature verification to a county
13 recorder no later than one hundred fifteen days prior to the presidential
14 preference election. The county recorder shall verify and count all
15 signatures of qualified electors within thirty days after submission. A
16 political party that is eligible for the presidential preference election
17 ballot shall be represented on the subsequent primary and general election
18 ballots in the year of the presidential election.

19 B. Notwithstanding the provisions of section 16-804, subsection A, the
20 secretary of state shall determine the political parties entitled to
21 continued representation on the state ballot pursuant to section 16-804,
22 subsection B if, on October 1 of the year immediately preceding the
23 presidential preference election, that party has registered voters equal to
24 at least two-thirds of one per cent of the total number of registered voters
25 in this state. Each county recorder shall furnish the secretary of state
26 with the number of registered voters as prescribed by section 16-168,
27 subsection G, paragraph 2, subdivision (d).

28 C. A POLITICAL PARTY THAT IS ELIGIBLE FOR REPRESENTATION ON THE BALLOT
29 MAY CHOOSE TO ALLOW ONLY THOSE VOTERS WHO ARE REGISTERED MEMBERS OF THAT
30 POLITICAL PARTY TO VOTE IN THE PRESIDENTIAL PREFERENCE ELECTION OF THAT
31 POLITICAL PARTY BY PROVIDING WRITTEN NOTICE TO THE SECRETARY OF STATE AT
32 LEAST EIGHTY-FIVE DAYS BEFORE THE PRESIDENTIAL PREFERENCE ELECTION. THE
33 WRITTEN NOTICE SHALL BE SIGNED BY THE STATE CHAIRMAN OF THE POLITICAL PARTY,
34 AND THE SECRETARY OF STATE SHALL PROVIDE A COPY OF THE NOTICE TO THE COUNTY
35 RECORDER OR OFFICER IN CHARGE OF ELECTIONS IN EACH COUNTY. ON PROPER RECEIPT
36 OF NOTICE PURSUANT TO THIS SUBSECTION, PERSONS WHO ARE NOT REGISTERED MEMBERS
37 OF THAT POLITICAL PARTY SHALL NOT VOTE IN THE PRESIDENTIAL PREFERENCE
38 ELECTION FOR THAT PARTY.

39 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to read:

40 **16-246. Early balloting; satellite locations; additional**
41 **procedures**

42 A. Within ninety days preceding the Saturday before the presidential
43 preference election and not later than 5:00 p.m. on the eleventh day
44 preceding the election, any elector who is eligible to vote in the
45 presidential preference election may make a verbal or signed, written request

1 for an official early ballot to the county recorder or other officer in
2 charge of elections for the county in which the elector is registered to
3 vote. IF THE ELECTOR IS REGISTERED AS A MEMBER OF A POLITICAL PARTY THAT IS
4 ELIGIBLE FOR CONTINUED REPRESENTATION ON THE BALLOT, THE ELECTOR MAY RECEIVE
5 A BALLOT ONLY OF THE PARTY WITH WHICH THE ELECTOR IS AFFILIATED AS IT APPEARS
6 ON THE PRECINCT REGISTER. FOR AN ELECTOR WHO IS REGISTERED AS INDEPENDENT,
7 AS NO PARTY PREFERENCE OR AS A MEMBER OF A POLITICAL PARTY THAT IS NOT
8 ELIGIBLE FOR REPRESENTATION ON THE BALLOT, THE ELECTOR SHALL DESIGNATE THE
9 BALLOT OF ONLY ONE OF THE POLITICAL PARTIES THAT IS ELIGIBLE FOR
10 REPRESENTATION ON THE BALLOT AND THAT DOES NOT PROHIBIT VOTING BY VOTERS WHO
11 ARE NOT MEMBERS OF THAT POLITICAL PARTY. If the request is verbal, the
12 requesting elector shall provide the date of birth and birthplace or other
13 information that if compared to the voter registration records for that
14 elector would confirm the identity of the elector.

15 B. Absent uniformed services voters or overseas voters who are
16 otherwise eligible to vote in the election may vote as prescribed by sections
17 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
18 prescribed by section 16-543.01 shall be a list of all candidates who have
19 qualified for the presidential preference ballot by the forty-sixth day
20 before the presidential preference election.

21 C. The county recorder or other officer in charge of elections may
22 establish on-site early voting locations at the office of the county recorder
23 or at other locations in the county deemed necessary or appropriate by the
24 recorder. Early voting shall begin ~~within the time limits prescribed in~~
25 ~~section 16-542 unless otherwise prescribed by this section~~ TWENTY-SIX DAYS
26 BEFORE THE PRESIDENTIAL PREFERENCE ELECTION AND SHALL END ON THE FRIDAY
27 BEFORE THE PRESIDENTIAL PREFERENCE ELECTION.

28 D. The county recorder or other officer in charge of elections shall
29 send by nonforwardable mail that is marked with the statement required by the
30 postmaster to receive an address correction notification any early ballots
31 that are requested pursuant to subsections A and B of this section and shall
32 include a preaddressed envelope for the elector to return the completed
33 ballot.

34 E. The county recorder or other officer in charge of elections shall
35 provide to each election board an appropriate alphabetized list of voters who
36 have requested and have been sent an early ballot. Any person who is on that
37 list of voters and who was sent an early ballot shall not vote at the polling
38 place for that election precinct except as prescribed by section 16-579,
39 subsection C.

40 F. The county recorder or other officer in charge of elections may
41 provide for any of the following in the same manner prescribed by law for
42 other elections:

- 1 1. Special election boards.
- 2 2. Emergency balloting for persons who experience an emergency after
- 3 5:00 p.m. on the Friday preceding the presidential preference election and
- 4 before 5:00 p.m. on the Monday immediately preceding the presidential
- 5 preference election.
- 6 G. Sections 16-550, 16-551 and 16-552 govern the use of early
- 7 balloting for the presidential preference election.